

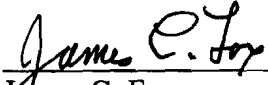


entry of default is not appropriate. Therefore, plaintiff's motion for entry of default [DE-25] is DENIED without prejudice. Furthermore, plaintiff's motion for default and default judgment also is DENIED without prejudice.<sup>1</sup>

The order of May 5, 2010, allowing defendant's counsel to withdraw did not provide a deadline for Carter Behavior to retain new counsel. Accordingly, it is ORDERED that defendant has until **September 17, 2010**, to retain new counsel who shall enter an appearance with this court. Defendant is WARNED that any failure to comply with this order may result in its answer being stricken. *See, e.g., Eastern Aviation Fuels, Inc. v. Torco Racing Fuels, Inc.*, No. 4:07-CV-57-H, 2008 WL 4462010 (E.D.N.C. Sept. 30, 2008) (unpublished).

It is further ORDERED that the scheduling order in this matter is modified to extend the dispositive motions deadline until October 2, 2010.

SO ORDERED. This 30th day of August 2010.

  
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James C. Fox  
Senior United States District Judge

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<sup>1</sup> The EEOC originally filed the motion for default and default judgment [DE-23] on August 17, 2010. The Clerk of Court issued a notice of deficiency informing the EEOC that it filed two separate motions in one pleading, and instructing the EEOC to refile the motion for entry of default.